

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 GEORGE KARP,

Case No. 2:24-cv-02208-GMN-MDC

4 Plaintiff

ORDER

5 v.

6 ALONZO, et al.,

7 Defendants

8

9 On November 26, 2024, pro se plaintiff George Karp, an inmate in the custody of
10 the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983.
11 (ECF No. 1-1). There are several errors with Plaintiff's filing. First, Plaintiff used the form
12 complaint for Nevada state court, not federal court. Second, Plaintiff did not pay the full
13 \$405 filing fee for this matter or file an application to proceed *in forma pauperis*. (See ECF
14 No. 1). Finally, Plaintiff provided the wrong address because the prison is returning
15 Plaintiff's mail as undeliverable. (See ECF No. 3).

16 **I. DISCUSSION**

17 **A. Filing Fee**

18 The United States District Court for the District of Nevada must collect filing fees
19 from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee
20 for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55
21 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the
22 fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev.
23 Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate
24 must submit **all three** of the following documents to the Court: (1) a completed
25 **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the
26 Court's approved form, that is properly signed by the inmate twice on page 3; (2) a
27 completed **Financial Certificate**, which is page 4 of the Court's approved form, that is
28 properly signed by both the inmate and a prison or jail official; and (3) a copy of the

1 inmate's prison or jail trust fund account statement for the previous six-month
2 period. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis*
3 status does not relieve an inmate of his or her obligation to pay the filing fee, it just means
4 that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

5 **B. Change of Address**

6 Under Nevada Local Rule of Practice IA 3-1, a "pro se party must immediately file
7 with the court written notification of any change of mailing address, email address,
8 telephone number, or facsimile number. The notification must include proof of service on
9 each opposing party or the party's attorney. Failure to comply with this rule may result in
10 the dismissal of the action, entry of default judgment, or other sanctions as deemed
11 appropriate by the court." Nev. Loc. R. IA 3-1.

12 **C. Complaint Form**

13 The complaint form used by Plaintiff is for use in the state court, not the federal
14 court. The Court kindly directs the Clerk of the Court to provide Plaintiff with the correct
15 complaint form for use in our federal court. Plaintiff must use that form for federal court.

16 **II. CONCLUSION**

17 It is therefore ordered that Plaintiff has **until January 31, 2025**, to accomplish the
18 following three items:

- 19 1) File his complaint using the correct form for federal court.
- 20 2) Either pay the full \$405 filing fee or file a fully complete application to
21 proceed *in forma pauperis* with all three of the following required documents:
 - 22 (i) a completed application with the inmate's two signatures on page 3,
 - 23 (ii) a completed financial certificate that is signed both by the inmate and
24 the prison or jail official, and
 - 25 (iii) a copy of the inmate's trust fund account statement for the previous six-
month period.
- 26 3) File his updated address with the Court.

1 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
2 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
3 to refile the case with the Court, under a new case number, when Plaintiff can file a
4 complete application to proceed *in forma pauperis* or pay the required filing fee.

5 The Clerk of the Court is directed to send Plaintiff the approved complaint form
6 and the form application to proceed *in forma pauperis* for an inmate and instructions for
7 the same.

8 The Clerk of the Court is directed to send a courtesy copy of this order and
9 attachments to Plaintiff at Ely State Prison.

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11 DATED: December 3, 2024

12
13 Hon. Maximiliano D. Couviller III
14 UNITED STATES MAGISTRATE JUDGE
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